

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

CIGNA HEALTH AND LIFE INSURANCE COMPANY,)	
)	
Plaintiff,)	Plaintiff's Motion to Withdraw Its Motion to Dismiss and Enter Parties' Consent Judgment
vs.)	
)	
HMC/CAH CONSOLIDATED, INC., <i>et al.</i>)	Case No. 18-00183-CV-W-NKL
)	

**PLAINTIFF'S MOTION TO WITHDRAW ITS MOTION TO DISMISS
AND ENTER PARTIES' CONSENT JUDGMENT**

Plaintiff Cigna Health and Life Insurance Company (CHLIC) submits this Motion to Withdraw its Motion to Dismiss (Dkt. 44) and asks the Court instead to enter the parties' Consent Judgment. In support, CHLIC states as follows:

1. CHLIC filed its Motion to Dismiss Defendant HMC/CAH Consolidated, Inc. without Prejudice and to Dismiss Remaining Defendants with Prejudice on January 28, 2019 (Dkt. 44). CHLIC will file a separate Motion to Dismiss concerning Defendant HMC/CAH Consolidated, Inc.

2. In the original motion (Dkt. 44), CHLIC requested that this Court retain jurisdiction to enforce the settlement agreement and that it be permitted to reopen the case, if necessary, for the entry of the consent judgment agreed to by the parties. (Dkt. 44, ¶ 3). That request was consistent with the Court's minute entry, which stated the court would "retain[] jurisdiction to enforce the settlement and permit[] plaintiff to reopen the case to seek entry of the consent judgment." (Dkt. 43).

3. Pursuant to the parties' Settlement Agreement, certain payments were to be made on a schedule.

4. Defendants have not made the payment due on or before January 30, 2019 which was to be made by way of a Banking Authorization Letter allowing for an ACH withdraw from an identified account.

5. CHLIC sent a notice of default to Defendants and Defendants were given six days to cure.

6. The six-day cure period has now expired.

7. Therefore, pursuant to the parties' Settlement Agreement, CHLIC can file the Consent Judgment executed by the Defendants, except for HMC/CAH Consolidated, Inc.

WHEREFORE, CHLIC requests to withdraw its Motion to Dismiss and asks that the Court enter the parties' Consent Judgment.

Dated: February 13, 2019

Respectfully submitted,

STINSON LEONARD STREET LLP

/s/ Jere D. Sellers

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CERTIFICATE OF SERVICE

I certify that the above was filed with the court utilizing the CM/ECF system on February 13, 2019, which sent notification to all registered attorneys of record.

/s/ Jere D. Sellers

Attorneys for Plaintiff
Cigna Health and Life Insurance Company